

SENATE AMENDMENTS

2nd Printing

By: Ortega, Landgraf, Thompson of Harris,
Harless, Ramos, et al.

H.B. No. 2747

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of massage therapy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 455.1525, Occupations Code, is amended
to read as follows:

Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION
REQUIREMENT FOR LICENSE ISSUANCE [~~BACKGROUND CHECKS~~]. (a) The
department shall require an applicant for a license to submit a
complete and legible set of fingerprints, on a form prescribed by
the department, to the department or to the Department of Public
Safety for the purpose of obtaining criminal history record
information from the Department of Public Safety and the Federal
Bureau of Investigation [~~On receipt of an application for a license~~
~~under this chapter, the department shall conduct a criminal~~
~~background check on the applicant~~].

(b) The department may not issue a license to a person who
does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record
information check of each applicant for a license using
information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department
of Public Safety, the Federal Bureau of Investigation, and any
other criminal justice agency under Chapter 411, Government Code.

1 (d) The department may:

2 (1) enter into an agreement with the Department of
3 Public Safety to administer a criminal history record information
4 check required under this section; and

5 (2) authorize the Department of Public Safety to
6 collect from each applicant the costs incurred by the Department of
7 Public Safety in conducting the criminal history record information
8 check.

9 (e) For purposes of this section, if the applicant for a
10 license is an entity, the applicant must submit fingerprints as
11 required by Subsection (a) for each individual who:

12 (1) personally or constructively holds, including as
13 the beneficiary of a trust:

14 (A) at least 10 percent of the entity's
15 outstanding stock; or

16 (B) more than \$25,000 of the fair market value of
17 the entity;

18 (2) has the controlling interest in the entity;

19 (3) has a direct or indirect participating interest
20 through shares, stock, or otherwise, regardless of whether voting
21 rights are included, of more than 10 percent of the profits,
22 proceeds, or capital gains of the entity;

23 (4) is a member of the board of directors or other
24 governing body of the entity; or

25 (5) serves as:

26 (A) an elected officer of the entity; or

27 (B) a general manager of the entity.

SECTION 2. Section 455.202, Occupations Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A massage establishment may not:

(1) employ an individual who is not a United States citizen or a legal permanent resident with a valid work permit;

(2) employ a minor unless the minor's parent or legal guardian authorizes in writing the minor's employment by the establishment;

(3) allow a nude or partially nude employee to provide massage therapy or other massage services to a customer;

(4) allow any individual, including a client, student, license holder, or employee, to engage in sexual contact in the massage establishment; ~~or~~

(5) allow any individual, including a student, license holder, or employee, to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual; or

(6) allow any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment.

(e) Subsection (b)(6) does not apply to:

(1) a place of business exempted under Section 455.155(c)(2) from the requirement to hold a license as a massage establishment; or

(2) a licensed massage therapist who practices as a solo practitioner and who is exempted under Section 455.155(b) from

1 the requirement to hold a license as a massage establishment.

2 SECTION 3. Section 455.204, Occupations Code, is amended by
3 adding Subsection (b-1) to read as follows:

4 (b-1) The license of a massage therapist that is posted
5 under Subsection (b) must have attached to the front of the license
6 a photograph of the massage therapist.

7 SECTION 4. Subchapter E, Chapter 455, Occupations Code, is
8 amended by adding Section 455.207 to read as follows:

9 Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a)
10 Each massage establishment and massage school shall display in the
11 form and manner prescribed by the commission a sign concerning
12 services and assistance available to victims of human trafficking.

13 (b) The sign required by this section must:

14 (1) be in English, Spanish, Korean, Mandarin, and any
15 other language required by commission rule;

16 (2) include a toll-free telephone number of a
17 nationally recognized information and referral hotline for victims
18 of human trafficking; and

19 (3) be displayed in a conspicuous place clearly
20 visible to the public.

21 (c) The commission by rule shall establish requirements
22 regarding the posting of signs under this section.

23 SECTION 5. Not later than March 1, 2020, the Texas
24 Commission of Licensing and Regulation shall adopt rules necessary
25 to implement the changes in law made by this Act to Chapter 455,
26 Occupations Code.

27 SECTION 6. (a) Section 455.1525, Occupations Code, as

1 amended by this Act, applies only to an application for a license
2 submitted on or after the effective date of this Act. An
3 application for a license submitted before that date is governed by
4 the law in effect on the date the application was submitted, and the
5 former law is continued in effect for that purpose.

6 (b) Not later than September 1, 2021, the Texas Department
7 of Licensing and Regulation shall obtain criminal history record
8 information on each person who, on the effective date of this Act,
9 holds a license issued under Chapter 455, Occupations Code, and did
10 not undergo a criminal history record information check based on
11 the license holder's fingerprints on initial application for the
12 license. The department may suspend the license of a license holder
13 who does not provide the criminal history record information as
14 required by the department and this subsection.

15 SECTION 7. A massage establishment, as defined by Section
16 455.001, Occupations Code, shall comply with:

17 (1) Section 455.204(b-1), Occupations Code, as added
18 by this Act, not later than January 1, 2020; and

19 (2) Section 455.207, Occupations Code, as added by
20 this Act, not later than April 1, 2020.

21 SECTION 8. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Letty Spaul
Secretary of the Senate

By: Rodriguez

H.B. No. 2747

Substitute the following for H.B. No. 2747:

By: *Robert Lee Nichols*

C.S. H.B. No. 2747

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain notice requirements applicable to massage
3 therapy.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 455, Occupations Code, is
6 amended by adding Section 455.207 to read as follows:

7 Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a)
8 Each massage establishment and massage school shall display in the
9 form and manner prescribed by the commission a sign concerning
10 services and assistance available to victims of human trafficking.

11 (b) The sign required by this section must:

12 (1) be in English, Spanish, Korean, Mandarin, and any
13 other language required by commission rule;

14 (2) include a toll-free telephone number of a
15 nationally recognized information and referral hotline for victims
16 of human trafficking; and

17 (3) be displayed in a conspicuous place clearly
18 visible to the public.

19 (c) The commission by rule shall establish requirements
20 regarding the posting of signs under this section.

21 SECTION 2. (a) Not later than March 1, 2020, the Texas
22 Commission of Licensing and Regulation shall adopt rules necessary
23 to implement Section 455.207, Occupations Code, as added by this
24 Act.

1 (b) A massage establishment, as defined by Section 455.001,
2 Occupations Code, shall comply with Section 455.207, Occupations
3 Code, as added by this Act, not later than April 1, 2020.

4 SECTION 3. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2747 by Ortega (Relating to certain notice requirements applicable to massage therapy.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: WP, SD, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 20, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2747** by Ortega (Relating to certain notice requirements applicable to massage therapy.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 7, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2747 by Ortega (Relating to the licensing and regulation of massage therapy.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would amend the Occupations Code relating to the licensing and regulation of massage therapy. Based on information provided by the Texas Department of Licensing and Regulation and Department of Public Safety, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 14, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2747 by Ortega (Relating to the licensing and regulation of massage therapy.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

This bill would amend the Occupations Code relating to the licensing and regulation of massage therapy. Based on information provided by the Texas Department of Licensing and Regulation and Department of Public Safety, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 8, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2747 by Ortega (Relating to the licensing and regulation of massage therapy.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Occupations Code relating to the licensing and regulation of massage therapy. Based on information provided by the Texas Department of Licensing and Regulation and Department of Public Safety, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR